IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE Dr. JUSTICE G.YETHIRAJULU**

**WRIT PETITION No. 18652 of 2004**

Between:

Ch. Veeraiah, S/o. Narsaiah, aged 45 years,Conductor,
E.No. 251424, R/o. 1-1-506/B/3, Sri Sai Nagar,
Suryapet, Nalgonda District.

**..... PETITIONER**

AND

1 APSRTC, Musheerabad, Hyderabad, Rep by its Managing Diretor
2 APSRTC, Bus Depot, Suryapet, Nalgonda District,

rep by its Depot Manager.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an appropriate writ or direction particularly one in the nature of WRIT OF MANDAMUS declaring the impugned proceedings No. 02/62/DS(53)90-SRPT dt. 21-9-1990 as arbitrary, in violation of principles of natural justice and also in violation of Reg. 12(2) of C.C. & A Reg. 1967 and consequently direct the respondents to extend all the consequential benefits in the interest of justice and fair play.

**Counsel for the Petitioner: MR.V.NARASIMHA GOUD**

**Counsel for the Respondents: MR.V.T.M.PRASAD**

**The Court made the following:**

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**ORDER:**

The petitioner is working as a Conductor in the respondent Corporation. He was charged for an irregularity in collecting fare and issuing ticket to one passenger. He submitted his explanation. The 2nd respondent passed an order on 21.09.1990 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of
2 (two) years, which shall have effect on future increments of the petitioner.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to the petitioner. Therefore, he approached this Court through this writ petition to declare that the action of the respondent is illegal and to direct the respondent to add the deferred increments.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of 2 (two) years with cumulative effect, imposed by the 2nd respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of
2 (two) years without cumulative effect. The petitioner is not entitled for the difference of the amount if any by virtue of this Order, but he is entitled to get the increments on notional calculation from the date of this Order to which he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

**dsr**

ASSISTANT REGISTRAR

To:

1. The Managing Director,

APSRTC, Musheerabad, Hyderabad

2. The Depot Manager, APSRTC,

Bus Depot, Suryapet, Nalgonda District

3. Two CD copies.